

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

LARONE L.,	:	
	:	
Petitioner,	:	Civ. No. 19-21408 (KM)
	:	
v.	:	
	:	
DEPARTMENT OF HOMELAND SECURITY, <i>et al.</i> ,	:	<b>MEMORANDUM AND ORDER</b>
	:	
Respondents.	:	
	:	

Petitioner, Larone L.,<sup>1</sup> is an immigration detainee currently held at Elizabeth Detention Center, in Elizabeth, New Jersey. Acting pro se, he filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, as well as an application to proceed *in forma pauperis*. As an initial matter, leave to proceed in this Court *in forma pauperis* is authorized. *See* 28 U.S.C. § 1915.

Petitioner challenges the duration and propriety of his present immigration detention and seeks immediate release or, alternatively, a bond hearing before an immigration judge. Under Rule 4 of the Rules Governing § 2254 Cases (applied in this proceeding under Rule 1(b) of the Rules Governing § 2254 Cases), this Court has examined the petition and determined that dismissal without receiving an answer and the underlying record is not warranted. Additionally, the proper respondent to such a petition is the Warden of the Elizabeth Detention Center, presently Orlando Rodriguez. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004). Consequently, Mr. Rodriguez will be added as a respondent in this matter.

Accordingly, IT IS this 8th day of May 2020

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<sup>1</sup> Consistent with guidance regarding privacy concerns in social security and immigration cases by the Committee on Court Administration and Case Management of the Judicial Conference of the United States, Petitioner is identified herein only by his first name and last initial.

ORDERED that the Warden of the Elizabeth Detention Center, Orlando Rodriguez, is added as a respondent in this matter; and it is further

ORDERED that petitioner's application to proceed *in forma pauperis*, (DE 1-2), is granted; and it is further

ORDERED that the Clerk shall serve copies of the petition (DE 1) and this memorandum and order upon respondents by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk shall forward a copy of the petition (DE 1) and this memorandum and order to the Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

ORDERED that, within forty-five (45) days of the entry of this memorandum and order, respondents shall file and serve an answer that (1) responds to the allegations and grounds in the petition and (2) includes all affirmative defenses respondents seek to invoke; and it is further

ORDERED that respondents shall file and serve with the answer certified copies of all documents necessary to resolve petitioner's claim(s) and affirmative defenses; and it is further

ORDERED that within forty-five (45) days of receipt of the answer, petitioner may file a reply to the answer; and it is further

ORDERED that within seven (7) days of petitioner's release, by parole or otherwise, as well as any change in the basis for petitioner's immigration detention, respondents shall electronically file a written notice of the same with the Clerk.

/s/ Kevin McNulty

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KEVIN MCNULTY  
United States District Judge